

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**CONNECTICUT GENERAL LIFE
INSURANCE COMPANY,**

Plaintiff,

v.

**ROSELAND AMBULATORY SURGERY
CENTER,**

Defendant.

Civ. No. 2:12-05941 (WJM)

ORDER

THIS MATTER comes before the Court on Plaintiff's motion to dismiss the Counterclaim pursuant to Federal Rule of Civil Procedure 12(b)(6), and its motion to strike portions of the Counterclaim pursuant to Federal Rule of Civil Procedure 12(f). For the reasons set forth in the accompanying opinion; and for good cause appearing;

IT IS on this 11th day of June 2014, hereby,

ORDERED that Plaintiff's motion to dismiss is **GRANTED IN PART**, and **DENIED IN PART**; and it is further

ORDERED that Count III is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that Plaintiff's motion to strike is **GRANTED IN PART**, and **DENIED IN PART**; and it is further

ORDERED that allegations in the Counterclaim relating to settlement negotiations are **STRICKEN**; and it is further

ORDERED that Defendant shall have thirty days from the date of this Order in which to amend the Counterclaim to address only those deficiencies noted in the accompanying Opinion.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.